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Agenda item 10
Technical assistance and capacity-building

Austria,* Belgium, Bulgaria,* Cyprus,* France,* Georgia, Italy,* Latvia, Luxembourg,* Malta,* Netherlands, Poland,* Romania,* Spain,* Sweden,* Tunisia,† United Kingdom of Great Britain and Northern Ireland: draft resolution

34/... Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, and 25/36 of 28 March 2014 and 31/28 of 24 March 2016, by which it extended the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the increase in attacks by terrorist groups in the north and their spread to central and southern Mali and about the rise of violent extremism, the proliferation of small arms, drug trafficking, migrant smuggling, the traffic in persons and other transnational organized criminal activities,

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* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Group of African States.

Deeply concerned also about continued human rights violations and abuses, the delay in the implementation of some relevant provisions of the Agreement on Peace and Reconciliation in Mali and the fragile security situation and difficulties in the redeployment of government services, which continue to hinder the delivery of humanitarian assistance in the north of the country, the voluntary return of displaced persons and the population's access to basic social services,

Welcoming the positive steps taken by the Government of Mali, with the support of armed groups that have signed the peace agreement, to implement that agreement, in particular the progress made in the constitutional review process, the appointment of members of the interim authorities and the transitional councils and of special advisers to representatives of the State in the northern regions and the designation of the high-level representative entrusted with ensuring the implementation of the peace agreement, while underscoring the need for continued efforts to implement the agreement fully,

Noting the commitment made by the Government of Mali at a number of sessions of the Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitment made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Underscoring the importance of the human rights reports prepared by the United Nations Multidimensional Integrated Stabilization Mission in Mali in fulfilment of one of the components of its mandate for the promotion and protection of human rights,

Noting the initiation in January 2013 of an investigation by the Prosecutor of the International Criminal Court into crimes committed on the territory of Mali since January 2012 and the transfer, in the context of this investigation, of a person suspected of war crimes to the Court on 26 September 2015, and recalling that it is important for all Malian stakeholders to lend the Court their support and cooperation,

Taking note with appreciation of the report of the Independent Expert on the situation of human rights in Mali,[1]

1. *Strongly condemns* the violations of human rights and of international humanitarian law, the abuses of those rights, including the recruitment of children and other violations of their rights and of those of women that have been perpetrated in Mali since the beginning of the crisis, and the terrorist attacks launched in January 2017 against the camps of the United Nations Multidimensional Integrated Stabilization Mission in Mali at Aguelhok and of the Operational Coordination Mechanism in Gao;

2. *Reiterates* its call for an immediate halt to all human rights violations and abuses and acts of violence and for the strict observance of all human rights and fundamental freedoms;

3. *Calls upon* the Government of Mali to continue and to intensify its efforts to protect human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

4. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, including those relating to the disarmament, demobilization and reintegration of former rebel fighters, the redeployment of Malian armed forces throughout the territory and decentralization;

5. *Requests* the signatories of the Agreement on Peace and Reconciliation in Mali to maintain a constructive dialogue and to take advantage of the opportunity offered by the national reconciliation conference to be held in March 2017 to lay the foundations for an in-depth discussion among all groups in the nation about the root causes of the conflict with a view to formulating a charter for national unity and reconciliation pursuant to article 5 of the peace agreement;

[1] A/HRC/34/72.

6. *Supports* the efforts of the Government of Mali to bring all perpetrators of human rights violations before impartial and independent courts, urges it to intensify those efforts, and encourages it to continue its cooperation with the International Criminal Court;

7. *Calls upon* the Government of Mali to ensure that women participate more fully in the national reconciliation process, in conformity with relevant Security Council resolutions and the law establishing a 30 per cent quota for women in national institutions that was adopted by the Government in December, and to heighten the political empowerment of women at all levels;

8. *Welcomes* the adoption by the Government of Mali of a national human rights policy that is supported by a plan of action and a law on the protection of human rights defenders and of a law on the organization and modes of operation of the National Human Rights Commission and the opening of regional offices of the Truth, Justice and Reconciliation Commission, and encourages the Malian authorities to take all necessary steps to implement those new measures and to ensure the independence of the Truth, Justice and Reconciliation Commission;

9. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made towards attaining peace and security in Mali;

10. *Welcomes* the strengthening of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali by the Security Council in its resolution 2295 (2016) of 29 June 2016, makes an urgent appeal for the provision of sufficient resources to the Mission so that it may carry out its mandate fully, commends the Mission for the work it has done in conjunction with the French army in Operation Barkhane as part of the country's stabilization process, and deplores the loss of human life sustained by countries that have contributed troops or police and by France;

11. *Notes*, in that context, the decision taken by the Group of Five for the Sahel to establish a mechanism for reinforcing regional security cooperation that will serve as a framework of joint cross-border military operations and the Nouakchott Process launched by the African Union, and underscores the positive impact that these initiatives may have on the human rights situation in Mali;

12. *Requests* all parties to ensure their strict observance of international human rights law and international humanitarian law, in particular in the course of counter-terrorism operations aimed at reassuring and restoring the confidence of local population groups in the northern and central regions of the country and garnering their support for the return of State authorities;

13. *Reiterates* its appreciation for the humanitarian assistance already provided to members of the population affected by the crisis, and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons, particularly in the north of Mali, with a view to facilitating access by the population to basic social services and to establishing conditions conducive to the gradual recovery of the country;

14. *Welcomes* the formulation of the Specific Development Strategy for the Northern Regions of Mali and urges the Government to pursue its development work through the implementation of the Emergency Programme for the Revival of Development in the North and the Reconstruction and Economic Recovery Programme;

15. *Requests* friendly countries and partner organizations that have pledged contributions at conferences on the development of Mali to honour those pledges in order to assist the Government to expedite the effective and comprehensive implementation of the peace agreement;

16. *Welcomes* the organization of the local elections held on 20 November 2016 in most of the country, despite the incidents that interfered with the voting process in some locations;

17. *Also welcomes* the close cooperation of the Government of Mali with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him;

18. *Notes with satisfaction* that the Government of Mali has undertaken to act upon the recommendations made by the Independent Expert following his visits to Mali;

19. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to assist the Government of Mali in its efforts to promote and protect human rights and to strengthen the rule of law;

20. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;

21. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;

22. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its thirty-seventh session;

23. *Decides* to hold a dialogue at its thirty-seventh session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the evolution of the situation of human rights in the country, with a particular focus on justice and reconciliation;

24. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

25. *Requests* the High Commissioner to provide technical assistance to the Government of Mali, in particular to the Commission for Truth, Justice and Reconciliation, and to work with the Government to identify other areas of assistance with a view to supporting Mali in its efforts to promote and protect human rights and building its institutional capacity;

26. *Urges* the international community to continue to provide assistance to Mali in order to ensure its stability with a view to promoting respect for all human rights and to carrying out a determined effort to combat impunity, which will pave the way for national reconciliation, peace and social cohesion;

27. *Decides* to remain seized of this matter.

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